IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE GREENEVILLE DIVISION

| AARON LINUS ASHLEY, |) |
|--|--------------------------------------|
| Plaintiff, |) |
| v. |))CIVIL ACTION NO. 2:10-cv-00035 |
| BANK OF AMERICA CORPORATION |) |
| SERVICING, LP; BANK OF AMERICA, N.A., |) |
| d/b/a BANK OF AMERICA HOME LOANS, BANK OF NEW YORK MELLON d/b/a |) |
| BANK OF NEW YORK; and |) |
| COUNTRYWIDE HOME LOANS, INC., |) |
| Defendants. |) |
| |) |

DEFENDANTS' MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants BAC Home Loans Servicing, LP, improperly named as "Bank of America Corporation Servicing, LP" ("BAC"), Bank of America, N.A. ("BOA"), and Bank of New York Mellon, formerly known as Bank of New York Company, Inc. ("BONY") and Countrywide Home Loans, Inc. ("CHL") (collectively, "Defendants"), hereby respectfully move this Court for an Order dismissing the claims of Plaintiff for failure to state a claim upon which relief can be granted.

In summary, Plaintiff's claims must be dismissed because they fail to properly assert prima facie causes of action and, additionally, they are not facially plausible because the vague assertions do not allow the Court to draw a reasonable inference that Defendants are liable for the misconduct alleged. In support of this motion, Defendants rely upon the concurrently submitted memorandum of law.

Respectfully submitted,

s/Donna L. Roberts

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Counsel for Defendants BAC Home Loans

Servicing, LP; Bank of America, N.A;, BONY.; and Countrywide Home Loans, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February, 2010, a copy of the foregoing *Motion to Dismiss*, was mailed by first-class U.S. Mail to:

Aaron Linus Ashley 135 Magnolia Drive Greeneville, TN 37743

s/Donna L. Roberts

Donna L. Roberts

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